S.B. CIVIL WRIT PETITION NO.3827/2007.

Shiv Shankar Jha
Vs.
University of Rajasthan and anr.

Date of order : 1/6/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri D.K. Bhardwaj for the petitioner.
Shri R.A. Katta for the University.

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Heard learned counsel for the parties.

Learned counsel for the petitioner submits that although requirement of the rule is that the petitioner in order to become eligible to appear in M.C.A. 3rd Semester should have passed 7 out of 10 papers of M.C.A. 2nd and 3rd Semester and the petitioner applied for re-evaluation in answer-sheets of Paper No.204 of 2nd Semester result of which has yet not been declared by the respondents and in the meantime, the examination of 3rd Semester has approached which is scheduled to commence from 3/6/2007.

Learned counsel for the respondents does not dispute the aforesaid position and submits that the result of the re-evaluation is likely to declare shortly

but in view of the fact that if the result of the re-evaluation is declared later than the examination and the petitioner is not permitted to appear in the examination of 3rd Semester, he may have to loose all this time to again appear in such examination after six months thereafter.

This writ petition is disposed of with the direction that the petitioner shall be provisionally permitted to appear in the examination of the 3rd Semester at his risk and consequences which shall be valid only if in the result of re-evaluation, he is shown to have declared passed which would make him eligible to appear in the 3rd Semester. In case, petitioner fails in the re-evaluation examination, his appearance in the 3rd Semester under this order at his risk would be liable to be treated as cancelled and he shall have to appear again.

(MOHAMMAD RAFIQ), J.

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